

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 16-10094-LTS
	)	
ROSS MCLELLAN	)	
	)	
Defendant.	)	
_____	)	

**ASSENTED-TO MOTION TO FILE RESPONSE  
TO NOTICE OF SUPPLEMENTAL AUTHORITY**

The government respectfully seeks leave of the Court to file the attached two-page response to the defendant's notice of supplemental authority in support of his motion for a new trial. As grounds therefor, the government states that it wishes to address the defendant's contention that the additional authority he cites—an unpublished Ninth Circuit opinion issued two days ago—provides further support for his motion. The defendant, by his counsel, assents to the government's motion for leave to file the attached response.

Respectfully submitted,

SANDRA MOSER  
Acting Chief, Fraud Section  
Criminal Division

ANDREW E. LELLING  
United States Attorney

By: /s/ William E. Johnston  
WILLIAM E. JOHNSTON  
Trial Attorney

By: /s/ Stephen E. Frank  
STEPHEN E. FRANK  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I certify that on August 1, 2018, this document was filed through the ECF system, which will provide electronic notice to counsel as identified on the Notice of Electronic Filing.

/s/ Stephen E. Frank  
STEPHEN E. FRANK